

ORIGINAL

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FEB 28 2003

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

AUTOFUND SERVICING, INC.,
and JAMES D. HAGGARD, JR.

Defendants.

Civil Action No.:

SA03CA0121

**FINAL JUDGMENT AND ORDER OF PERMANENT INJUNCTION
AND OTHER RELIEF AS TO DEFENDANTS
AUTOFUND SERVICING, INC. AND JAMES D. HAGGARD, JR.**

This matter came before this Court on the application of Plaintiff Securities and Exchange Commission ("Commission") by consent of Defendants Autofund Servicing, Inc., ("Autofund"), and James D. Haggard, Jr. ("Haggard"), for issuance of this Final Judgment and Order of Permanent Injunction and Other Relief as to Defendants Autofund Servicing, Inc. and James D. Haggard, Jr. ("Final Judgment"), providing the relief set out herein.

Autofund and Haggard provided this Court with a Stipulation and Consent ("Consent") in which, *inter alia*, they (1) acknowledge and admit the *in personam* jurisdiction of this Court over them, and the subject matter jurisdiction of this Court over the cause of action claimed by the Commission herein; (2) waive entry of findings of fact and conclusions of law under Fed. R. Civ. Proc. 52, with respect to the entry of this Final Judgment; (3) consent, for purposes of this action

only, to the entry of this Final Judgment, without admitting or denying any of the allegations of the Commission's Complaint, except as to jurisdiction, and without admitting or denying any violation of the federal securities laws, as set forth herein. Defendant Haggard consents to a \$25,000 civil penalty.

The Court finds that it has *in personam* jurisdiction over Autofund and Haggard, and subject matter jurisdiction over the cause of action claimed by the Commission; that no further notice or hearing is required prior to entry of this Final Judgment and there is no just reason for delay; and that the Court has been fully advised of the premises for entry of this Final Judgment.

IT IS THEREFORE ORDERED:

I.

Autofund, Haggard, their agents, servants, employees, attorneys-in-fact, assigns, and all other persons in active concert or participation with them who receive actual notice of this Final Judgment, by personal service or otherwise, are hereby permanently restrained and enjoined from violating Section 10(b) of the Exchange Act as amended [15 U.S.C. § 78j], and Rule 10b-5 [17 C.F.R. § 240.10b-5] thereunder, by directly or indirectly, in connection with the purchase or sale of any security, making use of any means or instrumentalities of interstate commerce or of the mails, or of any facility of any national securities exchange:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

Pursuant to Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Haggard, his agents, servants, employees, attorneys, and all other persons in active concert or participation with him who receive actual notice of this order, by personal service or otherwise, and each of them, are hereby prohibited from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)] for five years from the date of entry of this order.

III.

Haggard shall pay a civil money penalty in the amount of \$25,000. This amount shall be paid in accordance with Section IV, below, of this Final Judgment.

IV.

The monies ordered to be paid pursuant to Sections III of this Final Judgment shall be paid according the following schedule: \$25,000 within 90 days of Defendant Haggard's receipt of notice of the entry of the this Final Judgment. All payments made pursuant to this paragraph shall be: (a) made by United States money order, certified check, bank cashier's check, or bank money order; (b) made payable to the Securities and Exchange Commission; (c) mailed by certified mail (return receipt requested) to the Comptroller, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 0-3, Washington, D.C. 20549; and (d) submitted under cover letter identifying Haggard as the Defendant in this action, the case number of this action, the name of the Court, and the Commission's file number (FW-2486-A), a copy of which cover letter and proof of payment shall be sent to Harold F. Degenhardt, the District

Administrator of the Fort Worth District Office, Securities and Exchange Commission, Burnett Plaza, Suite 1900, 801 Cherry Street, Mail Unit #18, Fort Worth, Texas 76102.

V.

The Stipulation and Consent filed herewith is hereby incorporated in this Final Judgment with the same force and effect as if fully set forth herein.

VI.

This Court shall retain jurisdiction over this action and over Autofund and Haggard for all purposes, including for purposes of enforcing the terms of this Final Judgment.

VII.

This Final Judgment may be served upon Autofund and Haggard in person or by mail either by the United States Marshal, by the Clerk of the Court, or by any member of the staff of the Commission.

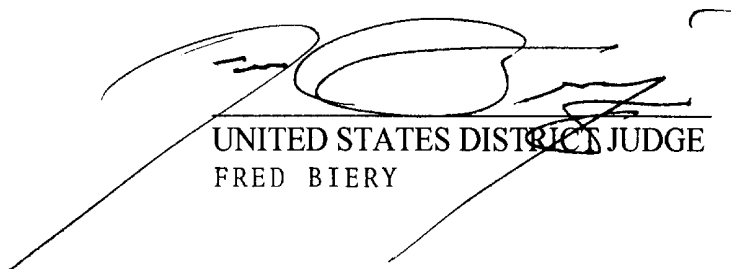
VIII.

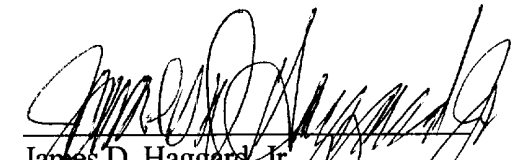
There being no just reason for delay, the Clerk of this Court is hereby directed to enter this Final Judgment pursuant to Rule 54 of the Federal Rules of Civil Procedure.

SIGNED this 28 day of February, 2003.

Agreed as to Form and Content

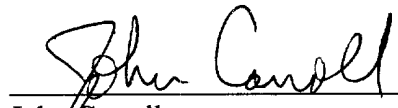

James D. Haggard, Jr.


UNITED STATES DISTRICT JUDGE
FRED BIERY

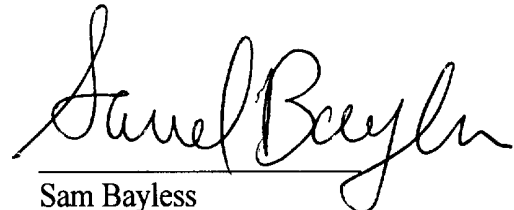


James D. Haggard, Jr.
President of Autofund Servicing, Inc. for
Autofund Servicing, Inc.

Approved for Entry



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